UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD WASHINGTON, D.C.		
X		
Vertis Inc.,		
Employer,	Case No.	22-RC-061844
and		
Local 1, Amalgamated Lithographers of America, GCC/IBT,		
Union.		

UNION'S EXCEPTIONS TO ADMINISTRATIVE LAW JUDGE'S DECISION ON CHALLENGES AND OBJECTIONS

Local 1, Amalgamated Lithographers of America, GCC/IBT (hereinafter, "Union"), by its attorneys, Kennedy, Jennik & Murray, P.C., pursuant to Section 102.69 of the Board's Rules and Regulations, hereby makes the following exceptions to Administrative Law Judge Raymond P. Green's (hereinafter, "ALJ") Decision on Challenges and Objections (hereinafter, "Decision"):

- The ALJ erred in dismissing the Union's challenges to the ballots of Frank
 Swercheck and Luisa Diaz.
- 2. The ALJ erred in finding that "[t]he evidence presented at the hearing does not demonstrate that either Swercheck or Diaz, during the period from August 1 to August 30, ever exercised or were authorized to exercise any of the powers or authorities set forth in Section 2(11) of the Act." (Decision, pg. 2).

- 3. The ALJ erred in finding that "Swercheck credibly testified that he never had any supervisory functions at any time and that he was not assigned to be an interim or temporary supervisor." (Decision, pg. 2).
- 4. The ALJ erred in finding that Ryder, "remained as the Manual Insertion supervisor but also took on the Scheduler's job as well." (Decision, pg. 2).
- 5. The ALJ erred in finding that, "although Diaz was given more responsibility to oversee the jobs of the other people in the Manual Insertion department, Diaz nevertheless had to obtain approval in order to deal with any employee or work related problems." (Decision, pg. 2).
- 6. The ALJ erred in finding that Diaz, "did not receive the promotion until October 2011, well after the election had been held." (Decision, pg. 2).
- 7. The ALJ erred in finding that "[e]ven assuming that employees had been told in early August that Swercheck and Diaz were temporarily assuming supervisory positions, this is, in my opinion, not sufficient to meet the Union's burden of proof. There is no evidence that they actually exercised supervisory authority during the relevant period and there is no evidence that there was any actual change in their official job status or pay." (Decision, pg. 3).
 - 8. The ALJ erred in dismissing Union Objection No. 3.
- 9. The ALJ erred in finding that, "[i]n my opinion, the incident as described by witnesses for both parties [i.e., the Employer attorney's assault on the Union's Vice President during the election] is insufficient to set aside the election." (Decision, pg. 5).
- 10. The ALJ erred in finding that, "[t]his incident is, in my view, rather minor and was witnessed by only one employee whose vote was not influenced by the incident." (Decision, pg. 5).
 - 11. The ALJ erred in dismissing Union Objection No. 7.

- 12. The ALJ erred in finding that, "[s]ince the promise [i.e., of a wage increase in 2012] had already been made before the Union appeared on the scene, there can be nothing improper in repeating the promise after the petition was filed and before the election was held." (Decision, pg. 7-8).
- 13. The ALJ erred in finding that evidence of additional improvements in working conditions and other direct or implied promises of benefits made during the critical period other than the promised wage increase were not reasonably encompassed by Union Objection No. 7. (Decision, pg. 10).
- 14. The ALJ erred in finding that the additional improvements in working conditions and other direct or implied promises of benefits made during the critical period other than the promised wage increases did not destroy the laboratory conditions necessary for a free and fair election.
 - 15. The ALJ erred in dismissing Union Objection No. 10.
- 16. The ALJ erred in finding that evidence that Robert Pinaha and Wilson Echeverry by John Geiger, Steve Flood and Mahesh Pophaly, was not reasonably encompassed within Union Objection No. 10.
- 17. The ALJ erred in finding that the interrogations of Robert Pinaha and Wilson Echeverry by Geiger, Flood and Pophaly did not destroy the laboratory conditions necessary for a free and fair election.

Dated: January 5, 2012 New York, NY

Respectfully submitted,

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